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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/995,774

11/29/2001

Giuseppe Desoli

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03/10/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

ENG, DAVID Y

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,774

Applicant(s)

DESOLI ET AL.

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It was not executed in accordance with either 37 CFR 1.66 or 1.68.

Claims 4 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, the last wherein clause is not understood.

With respect to claim 25, it is not seen how a data allocation means which is commonly for allocating data is able to transfer data between devices.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 25 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chapa (USP 6,021,445).

See Figure 1 in Chapa. Chapa taught an electronic device (terminal 12) comprising:

a processor 18;

memory means (the rest of terminal except processor 18) operatively connected to said processor, said memory means comprising:

storage means (RAM 22) for storing data within said memory means;

communication means (NIC 26) for connecting said memory means to a remote data storage device (server 16); and

data allocation means (the buses within terminal 12) for transferring data between said processor, said storage means, and said remote data storage device.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapa (USP 6,021,445) in view of Xu (USP 5,848,420).

See at least the abstract and Figure 1 in Chapa. Chapa taught 1 a memory device (terminal 12) for use by an electronic appliance (Haneda), said memory device comprising:

a first data port (inherent, such as USB ports) operatively connectable to said electronic appliance;

a second data port (NIC 26) operatively connectable to a remote memory device (server 16);

a data storage portion (RAM 22 or medium 20); and

a data allocation device (processor 18) operatively connected to said first data port, said second data port, and said data storage portion;

said data allocation device being adapted to:

allocate (see lines 6-10 of Chapa's abstract, instructions from terminal 12 are sent to remote server 16 for memory allocation in server) a portion of memory within said remote memory device for use by said electronic appliance; and
route data between said first data port, said second data port,
and said data storage portion.

Chapa did not teach coupling an electronic appliance to terminal 12 (PC). However, Xu taught coupling a digital camera to a personal computer. See Figure 1 in Xu. From the teaching of Xu, it would have been obvious to a person of ordinary skill in the art to connect a digital camera to the personal computer of Chapa such that the digital image can be transferred from the camera to remote server for processing.

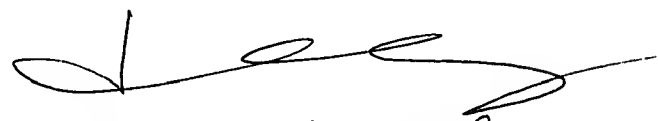
With respect to claim 2, see network interface in Figure 2 of Chapa.

With respect to claims 3 and 8, see processor 18, storage medium 20 and network interface 26 in Figure 1 of Chapa.

With respect to claims 4-7, See step S4 in Figure 3 of Xu and Figure 1 of Chapa. Xu shows that a camera is connected to a terminal or PC. Chapa show that data is cached or buffered in data buffer 32. Data can also be routed to remote server 16 through a network.

With respect to claim 10, the electronic device of Xu is a camera.

Claims 11-24 do not teach above the invention recited in claims 1-10 and therefore are rejected for the same reasons.



DAVID D. LY - ENUH
PATENT EXAMINER